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TAGS: [PHUM](#) [PGOV](#) [PINS](#) [KDEM](#) [KPAO](#) [TS](#)  
SUBJECT: STORM CLOUDS GATHER: GAFSA TRIAL EMBODIES  
TUNISIA'S MAJOR CHALLENGES

REF: A. TUNIS 841  
[1](#)B. TUNIS 761  
[1](#)C. TUNIS 615  
[1](#)D. TUNIS 596

Classified By: Ambassador Robert F. Godec for reasons 1.4 (b) and (d)

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Summary  
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[1](#)1. (C) Thirty-eight protestors, arrested in conjunction with the January to June unemployment protests in the southwestern mining towns of Redeyef and Gafsa, were given sentences ranging from six to ten years on December 11. According to one defense attorney, the verdict was not unanimous. The trial was marked by several irregularities, and there was a significant police presence. In many ways, the Gafsa trials embody Tunisia's major challenges: unemployment and corruption on the one hand; and the lack of freedom of assembly, freedom of expression, and judicial independence on the other. After initially ignoring the situation, the GOT has announced measures to address the underlying problems in the region. These steps, however, are not likely to be sufficient to address the population's grievances. Minor demonstrations protesting the Gafsa verdicts continue to take place. End Summary.

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Gafsa vs. the GOT: Round One  
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[1](#)2. (C) Beginning in early 2008, protestors first built a tent city and later filled the streets of the southwestern mining town of Redeyef. The protestors alleged that the hiring practices of the area's largest employer, the Gafsa Phosphates Company (CPG), favored relatives of CPG executives and local officials and that jobs were being sold to out of town workers. The initial demonstrations sparked large protests over the region's high unemployment rate (which some Tunisians estimate approaches fifty percent), the rising costs of staple foods, and government corruption (Ref D). Protests continued on and off for six months. Some protests were reportedly violent, and security forces shot two protestors, who later died as a result of complications from their injuries.

[1](#)3. (C) In March, President Ben Ali fired the Governor and his deputies in the three mining villages (Redeyef, M'dhilla, and Metlaoui) where the protests were taking place. Ben Ali also replaced the RCD Secretary General of the Coordination Committee in Gafsa. In June, the CEO of the Gafsa Phosphate Company was fired. Finally, on July 22, the Gafsa Municipal Council was dissolved by Presidential Decree. Also in July, President Ben Ali visited the region, but did not address the question of unrest. Instead, he announced some social

initiatives, such as a music festival, the refurbishment of two mosques, two new school buses, and support for the local soccer team. Later that month, Ben Ali publicly acknowledged the protests in Gafsa for the first time, and said the state would develop new agricultural and infrastructure projects for the region, build new roads, create more natural gas and water lines, and create a tourist circuit around Gafsa's Berber sites. The GOT also announced a series of government incentives to encourage companies to invest in the region.

¶4. (C) The GOT's primary reaction to the protests, however, relied on a heavy police presence. When the police proved ineffective against the crowds, the National Guard was called in to restore order (Ref C). Over a hundred protestors were arrested. Publicly, the government ignored the protests until June, when Justice Minister Tekkari gave a press conference to defend the use of force against demonstrators. Government-controlled and affiliated media outlets, which constitute the vast majority of Tunisian press, either did not report on the incidents or limited their coverage to the arrest and prosecution of protestors.

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Gafsa vs. the GOT: Round Two  
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¶5. (C) On December 11, the Court of First Instance in Gafsa convicted 30 people with forming a criminal group with the intent of destroying public property, leading an armed rebellion and assault on officials during the exercise of their duties, and spreading false news likely to disturb public order. Adnan Hajji, a leader in the local trade union chapter and spokesperson for the unregistered Movement of

Social Protest in Gafsa, was sentenced to ten years along with six others. Journalist Fahem Boukadous and French-based human rights activist Mouheiddine Cherbib were tried in-absentia and sentenced to six years in prison. Eight people were given a suspended sentence, and the remainder received terms of six years.

¶6. (C) The Embassy and the European Union Commission sent observers to the December 11 hearing in Gafsa, as did two opposition parties, the national labor union, and a French union. The already heavy police presence inside and outside the courthouse in the morning doubled by mid-afternoon. Only one family member per defendant was allowed into the courtroom, and there seemed to be an equal number of plainclothes policemen standing as a group by the door, blocking the exit. When the prisoners were brought in, they looked thin but showed no visible injuries. According to the investigating magistrate's documents, however, at the time of his investigation five of the defendants showed signs of torture.

¶7. (C) The judges did not respond to any of the requests made by the defense attorneys. Among other things, the defense requested medical exams for their clients to provide evidence for the claim that their clients were tortured while in police custody. The lawyers also asked for more time to examine the files of their clients, which they received only one week before the trial, and which collectively add up to over 2,000 pages. They also complained that they had limited access to the prisoners, and alleged that the arrest dates in the files had been fabricated to allow for several days of "secret" detention and interrogation by the Ministry of Interior. When the judge attempted to have the defendants answer routine questions identifying themselves for the court (name, age, etc.), the defendants refused. In solidarity, the entire courtroom stood up and began singing the Tunisian National Anthem while gesturing with their hands the traditional peace sign. In response, the judges suspended the proceedings and ordered the courtroom cleared. Police attempted to forcibly clear the courtroom, which lead to some pushing, pulling, shoving, and yelling, but no excessive force was used. The morning session of the trial lasted for less than two hours.

¶8. (C) The court did not reconvene until nearly 11:30 PM. According to EU PolOff, rows of plainclothes and uniformed policemen formed a barrier between the defense attorneys and the defendants' family members, between the lawyers and the defendants, and between the defendants and the judges. Only three of the five judges presiding over the trial returned to the chamber, and the principal judge only sat for a moment before leaving again without saying a word. The room was subsequently cleared. Close to midnight, the court clerk went into the lawyers' waiting room and announced the verdicts, which is a marked departure from normal courtroom procedures. One of the defense attorneys present at the trial later remarked to the Ambassador that she is friends with one of the judges who presided over the case. She reported that two of the five judges refused to return to the courtroom to protest the way the trial had been handled and the harshness of the sentences. She also questioned the legality of the sentences, since the verdict was never read in a courtroom, nor were all the judges present when the presiding judge presumably attempted to do so.

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Allegations of Abuse  
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¶9. (C) According to the wife of Adnan Hajji, one of the leaders of the demonstrations, her husband was twice detained by security forces prior to his arrest on June 22. She said police surrounded their house before forcibly entering to remove her husband. After the first occasion on April 5, it took her six days to discover where her husband was being held. Hajji was also briefly detained on April 20. While in police custody, Hajji's wife says he was beaten, resulting in several broken bones. She also maintained that her husband was immobilized for long periods of time, and police extinguished lit cigarettes on his skin. After his arrest, she said that she is only allowed to visit for fifteen minutes once a week and that all visits are monitored. According to Hajji's wife, her husband is being kept with the prison's general population; thus, he is sharing a large cell with 85 other people.

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Gafsa vs. the GOT: Round Three  
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¶10. (C) Following the December 11 sentencing of Hajji and other Gafsa protestors, there were more demonstrations in the region protesting the decision. On December 16, the regional union headquarters staged a rally to condemn the sentences and called on all union leaders to support the people in the mining region. On December 17, students at a high school in Jebeniana (near Sfax) organized a demonstration to protest the sentences and express support for those demonstrators still in police custody. Security forces reportedly used rubber bullets, tear gas, and dogs to contain the crowd. Also on December 17, three students were arrested following a protest in Om al-Raies. The students were reportedly released after they signed a statement promising that they would not participate in future protests.

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Comment  
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¶11. (C) The Gafsa protests/trials embody the major challenges faced by Tunisia: high unemployment represents the underlying problem, with the proximate cause of the crisis being perceived corruption on the part of the Gafsa Phosphates Company. Throw into the mix the absence of freedom of assembly and freedom of expression, and you get a population with serious grievances without legal means to air them. That this would culminate in convictions at the December 11 trial comes as little surprise from a judiciary that lacks independence.

¶12. (C) The GOT's response was to ignore the problem as long

as possible and then use security forces to address the symptoms but not the cause of the unrest. The economic initiatives announced thus far are unlikely to significantly impact the grievances of the population, at least not in the short term. The conditions that lead to unrest in Gafsa exist elsewhere in Tunisia, including inland provinces such as El Kef. Using security forces to contain the situation allowed the GOT to keep a lid on the situation in Gafsa, but in doing so they may have alienated the population. Moreover, the people of Gafsa seem to have the sympathy of the population at large, as people on the street have remarked that the government should not politicize a movement that is only attempting to stand up for the people's right to earn a living. While the Tunisian public may not see the Gafsa protests as political, evidently the GOT does. End Comment.  
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